have been paid, or any rent leviable from similar ground in the neighbourhood, be duly paid to Government. Should there be no means of determining the latter point, the Collector will impose such rent as in his judgment may be fair and reasonable.

I have, &c.,
(Signed) H. E. JACOMB,
Under-Secretary to Government.

Municipal Matters.

No. 801.

GENERAL DEPARTMENT.

Bombay Castle, 21st April 1866.

Memorandum from the Revenue Commissioner, N.D., No. 1643, dated 13th April 1866.—Submitting, for orders, a letter from the Collector of Ahmedabad, in which he inquires, with reference to Government Circular No. 1368, dated 25th July 1865, whether he is correct in presuming that paragraph 2 of the circular has reference only to *building* sites, and not to waste land liable to pay imperial revenue when taken up for cultivation; and stating his own opinion that he presumes that the order referred to applies to ground for cultivation as well as building sites.

Regarding the right of Municipalities to sell the occupancy of all lands within municipal limits, and to appropriate the proceeds arising therefrom.

RESOLUTION.—The Revenue Commissioner's view is correct.

(Signed) F. S. CHAPMAN,
Chief Secretary to Government.

To

The REVENUE COMMISSIONER, N.D.

No. 862.

EXTRACT from the Proceedings of the Government of Bombay, in the Revenue Department, dated 28th February 1867.

Read the following papers:—

Letter from A. Rogers, Esq., Revenue Commissioner, N.D., to F. S. Chapman, Esq., Chief Secretary to Government, Bombay, No. 448, dated 30th January 1867.

I have the honour to submit, for the sanction of Government, two sets of rules drawn up by Mr. Hope, the Acting Collector of Surat, for the assessment of, and enquiry into, titles to land in

that town. They are based in their main principles on the rules sanctioned for Ahmedabad, with amendments rendered necessary by local circumstances.

2. With regard to the rules for assessment. It will be seen that in Sections 1 to 3 great care has been taken to define the relative positions of the Revenue Authorities and the Municipality. This is required in consequence of some kind of idea being entertained by the Municipal Commissioners, from the matter not having been properly explained by former Collectors, that the Municipality have acquired some sort of control over the *modus operandi* on account of the expense of the survey being partly borne by them. I trust that Government, in their reply, will see fit to pronounce their emphatic confirmation of the principles now laid down.

3. The maximum rate for dry crop land cultivated or culturable, but not built on (Section 5), has been fixed at 13 rupees in consultation with the Superintendent of Survey, and with regard to the rate for similar land in the adjacent Taluka of Chowrasee, for the revision of assessment in which a proposal has been submitted to Government with my letter No. 220, of the 17th instant. The rate of two pies per square yard for land not applied to agricultural purposes is that sanctioned for Ahmedabad, the balance of ten pies making up one anna in the case of lands temporarily let out being reserved (Section 11) to the Municipality as the estimated interest of the upset price of the occupancy, the right to the proceeds of the sale of which is granted to them by Section 8.

4. In connection with Sections 6 and 9, Mr. Hope brings to notice an error that has crept into the Survey Administration of Ahmedabad, in consequence of which the decision in Government Resolution No. 3381, of the 24th September last, has also been passed under a misapprehension of the real state of the case. The demand of Government on land not applied to agricultural purposes having been fixed at two pies per square yard, the amount assessable at that rate on land subjected to the Summary Settlement cess should be one-eighth of that sum, or quarter pie, and not one pie and a-half, which is one-eighth of one anna, the rate per square yard made up of the two pies of rent due to Government, and ten pies, the estimated interest of the upset price of the occupancy bestowed, only in cases where the occupancy is saleable, on the municipality. Now the mere fact of any land being subjected to the Summary Settlement presupposes that the land is already in somebody's occupancy, and therefore the occupancy is not saleable; consequently, the municipality have no right to any portion of this, and the Summary Settlement cess has hitherto been

levied wrongly. I have accordingly the honour to suggest that the Government Resolution referred to be cancelled, and the Collector of Ahmedabad directed to correct the procedure with regard to this description of land. I am sorry that in handing on the correspondence on the subject I was misled by the rate of assessment now levied, of the mistake in the imposition of which I was not aware.

5. The provision in Section 12 is very necessary in cases where small strips of land, valuable only to the owners of the adjacent houses, may be left for disposal along the sides of main roads.

6. The remainder of the assessment rules are clear and explicit, and appear to require no further remarks from me.

7. With regard to those for enquiry into titles it is necessary to premise that a great deal of the discontent with respect to the proceedings of the survey in the town that has lately been manifested is traceable to the exaggerated rumours spread abroad, partly by interested parties, of what is intended to be done, and the absence of a recognized standard of enquiry. This the present rules will effectually supply, but even their application will require the exercise, on the part of the officer appointed to the duty, of unusual tact and discretion. With a view to the nomination of a competent Assistant to carry out Mr. Hope's instructions in this respect application has already been made to Government in my No. 80, of the 10th instant.

8. It will be seen that the lands of the town are divided for the purpose of enquiry into titles into three chief classes, viz., (1) those vacant, and (2) those noted as occupied in the old survey map, and (3) those to which the title of Government is undisputed. This map was made at the time of the former Revenue Survey of Gujrát in about A.D. 1821, and is on a sufficiently large scale to admit of changes that have taken place since its construction being detected. It therefore affords a very satisfactory basis on which the present enquiry may be founded.

9. Considering the lax way in which I know from experience leave for the erection or reconstruction of buildings has been granted in Surat, some of the Commissioners occasionally not taking the trouble to verify what was put before them in respect to such matters by their Secretary, or Darogahs, I think the provision made that lands under the heads A to E may be confirmed on production of written permits, except in cases of obvious error or fraud, is amply liberal; the defective title presumable in consequence of such lands not being marked as in occupation at the

time of the old survey is allowed to be cured by the leave given on what at the best must have been a very imperfect enquiry. I quite concur in the proposals with respect to lands appropriated without such leave.

10. The cases that may come under Class F are those which will require the most delicate treatment, and the spirit in which the Collector proposes to deal with them is undoubtedly the correct one. Owing to the terrible destruction of house property that has frequently overtaken the town from fire and flood, cases under this class and under heading H will be numerous, and occupy much time in disposal. The sooner the enquiry is commenced, however, the better, as attempts are already being made to get up false claims to open spots of land by extemporising the remains of old buildings upon them.

11. A clear understanding on the rule for lands coming under heading G will do much to put a stop to the prevailing uneasiness in the town. I beg to point out that it will be necessary for the Survey Department, before they can issue any sunnud containing an accurate plan of premises, to enter upon them in such a manner as to take internal as well as external measurements, as, for instance, in the case of houses having party walls. Lest any doubt should arise as to the authority of the Survey Officers to do this under the provisions of the Bombay Survey Act, I think it would be advisable if Government were to rule to that effect. It appears very probable that after such a survey as that proposed has been carried out it will be found that no one will buy or sell house property in the town unless the title is supported by entries in the survey register and accurate plans of the premises.

12. I was very doubtful of the propriety of the proposed ruling with regard to the first chief class of lands to the effect that when they are claimed under sales by the Civil Court which may have taken place within five years the claimant should obtain proof of the previous owner's title, until Mr. Hope explained to me that a provision of the kind had been found absolutely necessary in Ahmedabad in order to guard against collusive sales, that is to say, sales in which defendants in suits (true or got up) might point out, and have sold through the Courts as their property, land to which they really had no claim. It will, perhaps, be as well to adopt the rule, but permit the Collector to relax it in exceptional cases.

13. The remainder of the rules appear to be such as may be sanctioned without hesitation.

14. As there are several cases relating to lands along the new Delhi Gate road which are awaiting settlement previous to the sale of the right of occupancy, I have authorized the Acting Collector to proceed with them on the general principles of the proposed rules pending receipt of the sanction of Government to their being acted on permanently.

RULES FOR ASSESSMENT.

1. Government has the sole right to levy a permanent annual assessment on lands of whatever description which may be assessable.

2. The Revenue Authorities possess sole jurisdiction in all questions of assessment. The Officers conducting the Survey enquiries into titles and assessment are subordinate solely to the Revenue Authorities. The Collector is their immediate superior, excepting that the Surveying Officer will be immediately subordinate to the Superintendent as regards the scientific portion of his duties.

3. All land, whether before or after assessment, will be primarily in the sole charge of the Collector, but the Municipality shall perform on his behalf, and subject to his general control, the duty of preventing encroachments on roads, or Government apportioned land.

4. The term for which rates of assessment will now be fixed is 99 years, commencing from August 1st, 1867. Leases granted at any subsequent date will be of proportionably less duration.

5. There will be two rates of annual assessment—

(1.) For land cultivated or culturable, and not built upon. The maximum rate for dry crops will be Rs. 13 per acre, on a scale having a maximum of 24 annas. Proportionate rice and wet crop rates will be fixed, the whole being imposed by the Survey Department in the usual manner.

(2.) For land not applied to agricultural purposes, which is assessable under Section 35 of Bombay Act I. of 1865. The permanent assessment of such land payable to Government will be two pies per square yard.

6. Lands of either class which are subjected to the Summary Settlement will pay to Government alone one-eighth of the above rates.